ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD REPEALING, RENUMBERING,
RENUMBERING AND AMENDING, AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 400.02(61m), 405.02(5), 405.04(3), 415.09(1)(a) to (e), 417.06(3), 417.07(6)(a)1. to 5. and (b) to (d) and (9), 418.025(2)(intro.) and (a) to (e), 418.03(2)(intro.) and (a) to (e), 418.04(2)(a) to (e), 418.05(2), (3)(a) to (e), 418.06(2)(b) to (e), 418.07(2)(intro.) and (a) to (e), 421.04(4), 422.05(3), 422.09(2)(c), (3)(a), (c), (e), (f) and (h) and (4)(a), (c) and (e), 423.03(6)(b)1. to 5., 424.03(2)(b)1. and 2., 425.03(2)(a)1. to 5. and (b), (3)(a)1. to 7., (c)2., (d)1. to 4., (e)1. to 6. and (f), (4)(a)1. to 5. and (b), (5)(a)1. to 4., (b) and (c) and (6)(b)1. to 3., 439.095(2)(a) and (b), 447.02(4), 484.03(5) and (6), 484.11(1)(c), 485.045(1)(a), 488.06(1)(d) Note and 493.02(2); to **renumber** NR 400.02(100)(u), 411.02(6) and Note, 418.06(2)(f), 419.02(1m), (1p), (1s), (1t), (1u), (2), (3), (3c), (3e), (3m), (4), (6), (6m) and (7), 420.02(28), 421.02(2e) to (13), 422.02(1e) to (6), (7m) to (11m), (12d) to (33j), (34) to (47e), (48) to (52) and 499.07(2)(a) to (m); to **renumber and amend** NR 417.07(6)(a)(intro.), 418.025(2)(f), 418.03(2)(f), 418.07(2)(f), 419.02(8), 422.02(7), (12), (33m) and (47m), 424.03(2)(b)(intro.), 425.03(2)(a)(intro.), (4)(a)(intro.) and (5)(a)(intro.) and 499.07(2)(n)(intro.); to **amend** NR 30.03(2)(f), 30.04(2)(f), 400 Note, 400.02(41), (77), (79), (90) and (100)(t), 400.03(2), 401.04, 404.04(2)(a)1. and 2. and (6), 404.06(1)(a) and (4)(b), 405.01(2) Note, 405.02(1)(d), (2)(intro.), (3)(intro.) and (a), (4)(a)(intro.), 1. and 2. and (b)1. and 2., (7), (12), (21)(intro.), (b)3. and 5.a. and b., 6. and 8.a., (22)(a)1. and 2., (24)(d), (25g)(b) and (d), (25m)(a) and (c), (25s)(intro.) and (a), (27)(c) and (28), 405.04(1)(a) and (e), (4)(intro.) and (a), 405.05(1), (4)(intro.), (5) and (6), 405.07(3), (4)(intro.) and (b)27. and (5), 405.08(3), 405.10(4), 405.14(1), (2) and (4) 405.15(2)(d), 406.04(1)(intro.), (g), (h), (j) and (2)(intro.), (c), (f)3m., (h) and (i), (4)(a)6., 406.11(1)(f), 407.03(1)(g), (h), (o), (2)(b) and (4), 407.05(4)(c)1. and Table 2 footnote 8, 407.09(4)(a)3.c., 408.02(4), (20)(e)5.a. and b. and (21)(intro.), 409.02(76)(intro.), 409.06(8)(d), 415.02(5), 415.04(1)(b), (2)(a)(intro.), (b)(intro,) and (c)(intro.), (3)(a) and (4)(b), 415.05(2), 415.07(1)(a)(intro.), (b)(intro.) and 2., 415.075(2)(a)5., 415.08(1), 415.09(1)(intro.) and (3), 417.01(1), 417.02(intro.), 417.06(1) and (2), 417.07(7)(a)(intro.) and 1. to 3., 418.01(1), 418.04(1)(a)2. and (2)(intro.), 418.05(3)(intro.) and (4)(intro.), 418.06(2)(intro.), 419.02(intro.), 420.02(intro.), 420.03(1)(b), 420.035(2)(b) and (3)(c), 420.04(2)(a)(intro.) and 2., 420.045(1)(a), (b)(title), (c), (d)1.(intro.) and (e) and (10)(intro.), 421.02(intro.), 421.05(2)(a)(intro.), (2)(e)1. and 2., 421.06(2)(e)1. and 2., 422.03(intro.), (2), (3), (4), (4m)(b) and (c) and (5)(intro.), 422.04(1)(a), (2)(intro.) and (3)(b)(intro.), 422.132(1)(intro.) and (2)(b), 422.14(2)(c)(intro.), 423.02(intro.), 423.03(4)(intro.) and (m), (5)(intro.), (6)(a)(intro.) and (b)(intro.) and (9), 424.03(1)(a)3. and 4., 425.03(3)(a)(intro.), (b), (d)(intro.), (e)(intro.), (6)(b)(intro.), (7)(e), (7m)(intro.) and (a) and (8), 425.035(2)(f) and (3)(a)3. Note, 425.04(1)(b), 426.04, 429.02(intro.) and (1), 436.02(intro.), 436.05(2)(b) and (5), 438.03(1)(b) and Table 1, 439.03(1)(c) and (4)(a)(intro.), 439.075(2)(a)(intro.) and 4., 439.095(2)(intro.), 445.01(1), 445.02(intro.), (2) and (6), 445.04(3)(c)6., (4r)(a)Note and (b)4., (6)(a)(intro.), (b)4. and Tables 2, 3 and 5, 445.05(3)(a) and (c)7., (4r)(b)4. and (6)(bm)4.(intro.), (c) and (e), 447.02(intro.), (16) and (18) Note, 447.07(3)(a) and (d)(intro.), 447.12(3)(b) Note, 447.16(2) 447.18(1) Note, 448.02(intro.), 448.04(2), 449.02(intro.), 449.09(6)(a)3. and 4., (d)2. and (e)1.(intro.), 449.12(3)(a) and (b)5., 484.04(18), 484.05(3), 484.11(1)(a), 488.02(2) Note, 488.03(3)(b) Note, 488.04(3) Note, 488.08, 488.11(1)(b), 493.02(intro.), 493.04(2) and (3), 499.06(2)(intro.), (e) and (g) and 499.07(2)(intro.); and to **create** NR 400.02(53s) Note, (100)(u) and (v), 405.02(21m), (22m), 406.04(7), 419.02(10), 421.05(2)(e)3., 421.06(2)(e)3., 422.03(7), 424.03(2)(c), 425.03(14), 436.05(2)(bm) and 484.04(18m) relating to clarification and cleanup changes in NR 30 and throughout the NR 400 series.

AM-9-95

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 144.31(1)(a), 144.391(6) and 227.11(2)(a), Stats.

Statutes interpreted: s. 144.31(1)(f), Stats. The State Implementation Plan developed under that provision is revised.

SECTION 151. NR 445.01(1) is amended to read:

NR 445.01(1) APPLICABILITY. (a) This chapter applies to all air contaminant sources which may emit hazardous pollutants and to their owners and operators. The emission limitations and control requirements of this chapter do not apply to a source of a hazardous air contaminant regulated under chs. NR 446 to 449 for the specific hazardous air contaminants regulated under those chapters or to a source which must meet a national emission standard for a hazardous air pollutant promulgated under section 112 of the federal clean air act (42 USC 7412) for the specific air pollutant regulated under that standard.

(b) Notwithstanding par. (a), after the effective date of emission limitations of this chapter, a source of hazardous air pollutants subject to a national emission standard under section 112 of the act shall continue to comply with the provisions of this chapter provided this is allowed by regulations promulgated under section 112 of the act ~~allow them to do so~~.

SECTION 152. NR 445.02(intro.), (2) and (6) are amended to read:

NR 445.02 DEFINITIONS. The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions ~~in this section~~ apply to the terms used in this chapter and in chs. NR ~~445~~ 446 to ~~484~~ 468. ~~In addition, the definitions used in ch. NR 400 apply to the terms used in this chapter.~~

(2) "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), ~~and~~ cummingtonite-grunerite (amosite), anthophyllite~~,~~ and actinolite-tremolite.

(6) "Hazardous air contaminant" means any air contaminant for which no ambient air quality standard is set in ch. NR 404 and which the department determines may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a significant threat to human health or the environment. The term hazardous air contaminant includes, but is not limited to, the substances listed in Tables 1 to 4 5 in s. NR 445.04.

SECTION 153. NR 445.04(3)(c)6., (4r)(a)Note, (b)4. and (6)(a)(intro.) and (b)4. are amended to read:

NR 445.04(3)(c)6. Indoor emissions which are exhausted to the ambient air through general building ventilation and which have a threshold limit value established by the American conference of governmental and industrial hygienists in the threshold limit values and biological exposure indices for 1987-1988, incorporated by reference in s. NR 484.11, and for which the source demonstrates to the department that it is in compliance with applicable occupational safety and health administration requirements.

(4r)(a) Note: For the purposes of this ~~section~~ subsection a source shall be considered as a modified source and required to achieve compliance with the provisions of this ~~section~~ subsection only for those hazardous air contaminants not previously emitted or those hazardous air contaminants where there would be an allowed increase in emissions as a result of the modification.

(b)4. Indoor emissions which are exhausted to the ambient air through general building ventilation and which have a threshold limit value established by the American conference of governmental ~~and~~ industrial hygienists, in the threshold limit values and biological exposure indices for 1990-91, incorporated by reference in ~~ch. NR 484~~ s. NR 484.11, and for which the source is in compliance with applicable occupational safety and health administration requirements.

(6)(a) Compliance timing. Except as provided for in pars. (d) , (e) and (f), any source which commences construction or modification ~~on or~~ after October 1, 1988 shall meet the emission limitations in this section upon startup.

(b)4. The owner or operator of a source may rely on information on an approved material safety data sheet if the approved material safety data sheet lists a hazardous air contaminant listed in Tables 1 to 5 ~~of this section~~ and the hazardous air contaminant listed in Table 1, 2, 4 or 5 ~~of this section~~ constitutes 10,000 parts per million or more of the material or the hazardous air contaminant listed in Table 3 ~~of this section~~ constitutes 1,000 parts per million or more of the material. If an approved material safety data sheet for a material is not classified as proprietary and does not list a hazardous air contaminant in Tables 1 to 5 ~~of this section~~ at or above the amounts listed in this ~~paragraph~~ subdivision, that material will be presumed not to result in emissions of a hazardous air contaminant unless a hazardous air contaminant is formed in processing the material.

SECTION 154. NR 445.04 Tables 2 and 3 are amended to read:

Table 2
Hazardous Air Contaminants Which Are
Pesticides, Rodenticides, Insecticides,
Herbicides or Fungicides with
Acceptable Ambient Concentrations

Contaminant	CAS Number	Emission Rate in Pounds/Hour* w/emission points < 25 ft.	∃ 25 ft.
Aldrin	309-00-2	0.020880	0.086400
Amitrole	61-82-5	0.016560	0.067200
ANTU	86-88-4	0.024000	0.100800
Atrazine	1912-24-9	0.417600	1.752000
Azinphos-methyl	86-50-0	0.016560	0.067200
Benomyl	17804-35-2	0.832800	3.480000
Bromacil	314-40-9	0.832800	3.480000
Captafol	2425-06-1	0.008400	0.033600
Captan	133-06-2	0.417600	1.752000
Carbaryl	63-25-2	0.417600	1.752000
Carbofuran	1563-66-2	0.008400	0.033600
Chlordane	57-74-9	0.040800	0.170400
Chlorinated camphene	8001-35-2	0.040800	0.170400
1-Chloro-1-nitropropane	600-25-9	0.832800	3.480000
Chloropicrin (Trichloronitromethane)	76-06-2	0.057600	0.240000
Chlorpyrifos	2921-88-2	0.016560	0.067200
Crufomate	299-86-5	0.417600	1.752000
Cyhexatin	13121-70-5	0.417600	1.752000
Demeton	8065-48-3	0.008400	0.033600
Diazinon	333-41-5	0.008400	0.033600
Dibutyl phthalate	84-74-2	0.417600	1.752000
Dichloropropene	542-75-6	0.417600	1.752000
2,2-Dichloropropionic acid	75-99-0	0.499200	2.088000

Dichlorvos	62-73-7	0.084000	0.336000
Dicrotophos	141-66-2	0.020880	0.086400
Dieldrin	60-57-1	0.020880	0.086400
Dinitro-o-cresol	534-52-1	0.016560	0.067200
Dioxathion	78-34-2	0.016560	0.067200
Diquat	85-00-7	0.040800	0.170400
Disulfoton	298-04-4	0.008400	0.033600
Endosulfan	115-29-7	0.008400	0.033600
Endrin	72-20-8	0.008400	0.033600
EPN	2104-64-5	0.040800	0.170400
Ethion	563-12-2	0.033600	0.139200
Fensulfothion	115-90-2	0.008400	0.033600
Fenthion	55-38-9	0.016560	0.067200
Fonofos	944-22-9	0.008400	0.033600
Heptachlor	76-44-8	0.040800	0.170400
Hexachlorobutadiene	87-68-3	0.010520	0.048000
Hexachlorocyclopentadiene	77-47-4	0.008400	0.033600
Methomyl	16752-77-5	0.208800	0.864000
Methyl bromide	74-83-9	1.665600	6.984000
Methyl demeton	8022-00-2	0.040800	0.170400
Methyl parathion	298-00-0	0.016560	0.067200
Mevinphos (Phosdrin)	7786-34-7	0.008400	0.033600
Monocrotophos	6923-22-4	0.020880	0.086400
Naled	300-76-5	0.249600	1.032000
Paraquat (respirable sizes)	4685-14-7, 1910-42-5	0.008400	0.033600
Parathion	56-38-2	0.008400	0.033600
Phenothiazine	92-84-2	0.417600	1.752000
Phorate	298-02-2	0.004080	0.017040
Pindone	83-26-1	0.008400	0.033600
Propoxur	114-26-1	0.040800	0.170400
Pyrethrum	8003-34-7	0.417600	1.752000
Quinone	106-51-4	0.033600	0.139200
Rotenone (commercial)	83-79-4	0.417600	1.752000
Sodium fluoroacetate	62-74-8	0.004080	0.017040
Stibine (Antimony hydride)	7803-52-3	0.040800	0.170400
Strychnine	57-24-9	0.012480	0.050400
Sulfotep (TEDP)	3689-24-5	0.016560	0.067200
Sulfuryl fluoride	2699-79-8	1.665600	6.984000
TEPP	107-49-3	0.004080	0.017040
Thiram	137-26-8	0.417600	1.752000
Warfarin	81-81-2	0.008400	0.033600

* The notation (c) indicates those contaminants with ceiling limits which are emission rates averaged over a one-hour period. Those contaminants without such a notation are emission rates per hour averaged over a 24 hour period.

Table 3
Hazardous Air Contaminants Without
Acceptable Ambient Concentrations
Requiring Application of
A. Lowest Achievable Emission Rate for Sources of
Group A Hazardous Air Contaminants,
B. Best Available Control Technology for Sources of
Group B Hazardous Air Contaminants[1]

Contaminant	CAS Number	lbs/year[2]
GROUP A CONTAMINANTS		
4-Aminobiphenyl	92-67-1	25.0
Arsenic and inorganic compounds, as As	7440-38-2	25.0
Asbestos	1332-21-4	25.0
Benzene	71-43-2	300.0
Benzidine	92-87-5	2.0
Bis(chloromethyl) ether(BCME) and technical grade	542-88-1	0.10
tert-Butyl chromate, as Cr	1189-85-1	0.10
Chloromethyl methyl ether(CMME)	107-30-2	0.10
Chromium (VI), water insoluble compounds, as Cr	7440-47-3	2.0
Chromyl chloride, as Cr	14977-61-8	0.10
Coke oven emissions		25.0
2-Naphthylamine	91-59-8	25.0
Nickel subsulfide	12035-72-2	25.0
Vinyl chloride	75-01-4	300.0
Pharmaceuticals (a total of all listed compounds)		25.0
Azathioprine	446-86-6	
N,N-Bis (2-chloroethyl)-2-naphthylamine (Chloronaphazine)	494-03-1	
1,4-Butanediol dimethanesulphonate (Myleran)	55-98-1	
Chlorambucil	305-03-3	
Cyclophosphamide	50-18-0	
Diethylstilbestrol (DES)	56-53-1	
Melphalan	148-82-3	
Mustard gas	505-60-2	
GROUP B CONTAMINANTS		
Acrylonitrile	107-13-1	25.0
Aflatoxins	1402-68-2	25.0
2-Aminoanthraquinone	117-79-3	250.0
Anisidine	29191-52-4	250.0
o-Anisidine and o-anisidine hydrochloride	90-04-0, 134-29-2	250.0
Benzotrichloride	98-07-7	250.0
Beryllium and beryllium compounds, as Be	7440-41-7	25.0
Cadmium and cadmium compounds, as Cd	7440-43-9	25.0

Contaminant	CAS Number	lbs/year[2]
Carbon tetrachloride	56-23-5	25.0
Chloroform	67-66-3	250.0**
p-Cresidine	120-71-8	250.0
2,4-Diaminoanisole sulfate	39156-41-7	250.0
2,4-Diaminotoluene	95-80-7	250.0
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	250.0
1,2-Dibromoethane (EDB)	106-93-4	250.0
3,3'-Dichlorobenzidine	91-94-1	250.0
1,2-Dichloroethane (EDC)	107-06-2	25.0
Di(2-ethylhexyl)phthalate (DEHP)	117-81-7	250.0
Diethyl sulfate	64-67-5	25.0
3,3'-Dimethoxybenzidine (o-Dianisidine)	119-90-4	250.0
4-Dimethylaminoazobenzene	60-11-7	250.0
3,3'-Dimethylbenzidine (o-Tolidine)	119-93-7	250.0
Dimethyl carbamoyl chloride	79-44-7	250.0
1,1-Dimethylhydrazine	57-14-7	250.0
Dimethyl sulfate	77-78-1	25.0
1,4-Dioxane	123-91-1	250.0
Epichlorohydrin	106-89-8	300.0
Ethylene oxide	75-21-8	25.0
Ethylene thiourea	96-45-7	250.0
Formaldehyde	50-00-0	250.0**
Hexachlorobenzene (HCB)	118-74-1	25.0
Hexamethyl phosphoramide	680-31-9	250.0
Hydrazine and hydrazine sulfate	302-01-2, 10034-93-2	250.0
Hydrazobenzene	122-66-7	250.0
Lindane and other hexachlorocyclohexane isomers	58-89-9	25.0
4,4'-Methylene bis(2-chloroaniline) (MOCA)	101-14-4	250.0
4,4'-Methylenedianiline (and dihydrochloride)	101-77-9, 13552-44-8	250.0
Methyl iodide	74-88-4	250.0
Nickel compounds other than nickel subsulfide, as Ni	7440-02-0	250.0
2-Nitropropane	79-46-9	250.0
Polychlorinated biphenyls (PCB)	1336-36-3	0.10
1,3-Propane sultone	1120-71-4	250.0
β-Propiolactone	57-57-8	250.0
Propylene oxide	75-56-9	250.0
Propylenimine	75-55-8	250.0
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	0.0001
Thiourea	62-56-6	250.0
o-Toluidine	95-53-4	25.0
Urethane (Ethyl carbamate)	51-79-6	250.0

Contaminant	CAS Number	lbs/year[2]
Polycyclic Organic Matter (a total of all listed compounds)		250.0
Benz(a)anthracene	56-55-3	
Benzo(b)fluoranthene	205-99-2	
Benzo(a)pyrene	50-32-8	
Dibenz(a,h)acridine	226-36-8	
Dibenz(a,j)acridine	224-42-0	
Dibenz(a,h)anthracene	53-70-3	
7H-Dibenzo(c,g)carbazole	194-59-2	
Dibenzo(a,h)pyrene	189-64-0	
Dibenzo(a,i)pyrene	189-55-9	
Indeno(1,2,3-cd)pyrene	193-39-5	
Pharmaceuticals (a total of all listed compounds)		250.0
Adriamycin	23214-92-8	
Bischloroethyl nitrosourea	154-93-8	
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010-47-4	
Dacarbazine	4342-03-4	
Iron dextran complex	9004-66-4	
Mestranol	72-33-3	
Nitrogen mustard (2,2'-Dichloro-N-methyl-diethylamine)	51-75-2	
Oestradiol	50-28-2	
Oxymetholone	434-07-1	
Phenazopyridine and phenazopyridine hydrochloride	94-78-0, 136-40-3	
Phenytoin and sodium salt of phenytoin	57-41-0, 630-93-3	
Procarbazine and procarbazine hydrochloride	671-16-9, 366-70-1	
Propylthiouracil	51-52-5	
Reserpine	50-55-5	
Streptozotocin	18883-66-4	
Tris(1-aziridinyl)phosphine sulfide	52-24-4	
Nitrosoamines (a total of all listed compounds)		250.0
N-Nitrosodi-n-butylamine	924-16-3	
N-Nitrosodiethanolamine	1116-54-7	
N-Nitrosodiethylamine	55-18-5	
N-Nitrosodimethylamine	62-75-9	
p-Nitrosodiphenylamine	156-10-5	
N-Nitrosodi-n-propylamine	621-64-7	
N-Nitroso-N-ethylurea	759-73-9	
N-Nitroso-N-methylurea	684-93-5	
N-Nitrosomethylvinylamine	4549-40-0	
N-Nitrosomorpholine	59-89-2	
N'-Nitrosonornicotine	16543-55-8	
N-Nitrosopiperidine	100-75-4	
N-Nitrosopyrrolidine	930-55-2	
N-Nitrososarcosine	13256-22-9	

[1] List of Group A and Group B substances taken from Fourth Annual Report on Carcinogens -- 1985 National Toxicology Program (NTP), U.S. Public Health Service, pursuant to Public Law 95-622.

[2] U.S. Environmental Protection Agency Carcinogen Assessment Group (CAG) reported unit risk values as of January 1, 1988 were used in assigning the de ~~minimus~~ minimis emission limit.

** For existing sources, see s. NR 445.05(7).

SECTION 155. NR 445.04 Table 5 is amended to read:

Table 5
Hazardous Air Contaminants With Acceptable Ambient Concentrations Based on the U.S. Environmental Protection Agency's Reference Concentration Methodology

Contaminant	CAS Number	Emission Rate in lbs/yr with emission points		Reference Concentration (micrograms per cubic meter)	Total Uncer-tainty Factor	Date of last revision to Wis. Adm. Code
		<25 ft.	∃25 ft.			
Ammonia	7664-41-7	21,039	91,264	100	30	January 1, 1995
Bromomethane	74-83-9	631,174	2,737,907	3000	100	January 1, 1995
1,2-Dichloropropane	78-87-5	842	3651	4	300	January 1, 1995
1,3-Dichloropropene	542-75-6	4208	18,253	20	30	January 1, 1995
Diesel engine emissions		1052[1]	4563[1]	5	30	January 1, 1995
N,N-Dimethylformamide	68-12-2	6312	27,380	30	300	January 1, 1995
Epichlorohydrin	106-89-8	210	913	1	300	January 1, 1995
Ethyl chloride	75-00-3	2,103,914	9,126,358	10,000	300	January 1, 1995
Ethyl benzene	100-41-4	210,391	912,636	1000	300	January 1, 1995
n-Hexane	110-54-3	42,078	182,527	200	300	January 1, 1995
Mercury (inorganic)	7439-97-6	63	274	0.3	30	January 1, 1995
Methyl tert-butyl ether	1634-04-4	631,174	2,737,907	3000	100	January 1, 1995
Propylene glycol monomethyl ether	107-98-2	420,783	1,825,272	2000	300	January 1, 1995
Propylene oxide	75-56-9	6312	27,380	30	100	January 1, 1995
Styrene	100-42-5	210,391	912,636	1000	30	January 1, 1995
Toluene	108-88-3	84,157	365,054	400	300	January 1, 1995
Vinyl acetate	108-05-4	42,078	182,527	200	30	January 1, 1995

[1] As measured by federal test procedures for particulate diesel engine emissions.

SECTION 156. NR 445.05(3)(a) and (c)7., (4r)(b)4. and (6)(bm)4.(intro.), (c) and (e) are amended to read:

NR 445.05(3)(a) Group A. Except as provided in par. (c), the owner or operator of any facility on which construction or modification last commenced on or before October 1, 1988 and which emits any hazardous air contaminant listed in group A of Table 3 of s. NR 445.04 in amounts greater than those listed in group A of ~~Table 3 of s. NR 445.04~~ this table shall control emissions of those hazardous air contaminants to a level which is the lowest achievable emission rate. The lowest achievable emission rate shall be met by the emissions unit at the facility which emits the greatest amount of the hazardous air contaminant. If application of the lowest achievable emission rate to this emissions unit does not reduce facility emissions of the hazardous air contaminant to a level less than the rate listed in group A of Table 3 ~~of s. NR 445.04~~ for the hazardous air contaminant, then the lowest achievable emission rate shall be met by other emissions units at the facility which emit decreasingly smaller amounts of the hazardous air contaminant until emissions from the facility are below the emission rate listed in group A of Table 3 ~~of s. NR 445.04~~ or until all emissions units at the facility which emit at least 10% of the rate listed in group A of Table 3 ~~of s. NR 445.04~~ for the hazardous air contaminant have met the lowest achievable emissions rate. If application of lowest achievable emissions rate to these emissions units does not result in the control of at least 50% of the potential emissions of the hazardous air contaminant from the facility, then the department may require application of lowest achievable emission rate on a reasonable array of smaller emissions units which emit the hazardous air contaminant.

(c)7. Indoor emissions which are exhausted to the ambient air through general building ventilation and which have a threshold limit value established by the American conference of governmental industrial hygienists in the threshold limit values and biological exposure indices for 1987-1988, incorporated by reference in s. NR 484.11, and for which the source demonstrates to the department that it is in compliance with applicable occupational safety and health administration requirements.

(4r)(b)4. Indoor emissions which are exhausted to the ambient air through general building ventilation and which have a threshold limit value established by the American conference of governmental ~~and~~ industrial hygienists, in the threshold limit values and biological exposure indices for 1990-91, incorporated by reference in ~~ch. NR 484~~ s. NR 484.11, and for which the source is in compliance with applicable occupational safety and health administration requirements.

(6)(bm)4.(intro.) ~~Achieve final~~ Final compliance with sub. (4r)(a) shall be achieved according to the following schedule:

(c) Department review. The department shall review any compliance plan submitted under par. (a), (am) or (bm) to determine whether the control technology is adequate. Department approval, conditional approval or disapproval of any compliance plan shall be completed within 6 months after the applicable deadline date provided in par. (a)1. b., 2. b., 3. b., (am)2. or (bm)3. If the department does not complete its review and approve, disapprove or conditionally approve a source's compliance plan within 6 months after the applicable deadline date provided in par. (a)1. b., 2. b., 3. b., (am)2. or (bm)3., the source's compliance ~~requirements~~ deadline under par. (a)1. c., 2. c., 3. c., (am)3. or (bm)~~3~~ 4., shall be extended by 6 additional months.

(e)1. The owner or operator of a source which has achieved compliance with this section by installing emission control equipment may not be required to install additional control equipment to achieve compliance with this section for a period of 10 years after the installation of the control equipment or the useful life of the control equipment as determined by the department, whichever is less. For the ~~purpose~~ purposes of this subdivision, increasing stack height, other dilution measures, or material reformulations may not be construed as installation of emission control equipment. Material reformulation which requires substantial capital expenditures for process equipment which was made with prior department approval and which results in a reduction of emissions of hazardous air contaminants which is sufficient to comply with the limitations of this section, may be construed as installation of emission control equipment under this subdivision.

2. The owner or operator of a source which has achieved compliance with sub. (4r)(a) may not be required to meet additional requirements under this section if the reference concentration, as listed in Table 5 of s. NR 445.04, is amended after the effective date of a national emission standard applicable to the source which is promulgated under section 112 of the act for that hazardous air contaminant.